

JUN - 5 2013

**Board of Vocational Nursing
and Psychiatric Technicians**

KAMALA D. HARRIS
Attorney General of California
JANICE K. LACHMAN
Supervising Deputy Attorney General
KRISTINA T. JANSEN
Deputy Attorney General
State Bar No. 258229
1300 I Street, Suite 125
P.O. Box 944255
Sacramento, CA 94244-2550
Telephone: (916) 324-5403
Facsimile: (916) 327-8643
Attorneys for Complainant

**BEFORE THE
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. VN-2010-1002

MICHELLE LYNNE CHANCE
aka MICHELLE LYNNE SCHAEFER
1761 Dukes Court
Olivehurst, CA 95961

ACCUSATION

Vocational Nurse License No. VN 235673

Respondent.

Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") alleges:

PARTIES

1. Complainant brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians ("Board"), Department of Consumer Affairs.

2. On or about July 7, 2008, the Board issued Vocational Nurse License Number VN 235673 to Michelle Lynne Chance, also known as Michelle Lynne Schaefer ("Respondent"). The license was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2014, unless renewed.

///

///

JURISDICTION

3. Business and Professions Code (“Code”) section 2875 provides, in pertinent part, that the Board may discipline the holder of a vocational nurse license for any reason provided in Article 3 (commencing with Code section 2875) of the Vocational Nursing Practice Act.

4. Code section 118(b) provides, in pertinent part, that the expiration of a license shall not deprive the Board jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated. Under Code section 2892.1, the Board may renew an expired license at any time within four years after the expiration.

STATUTORY PROVISIONS

5. Code section 2878 states, in pertinent part:

The Board may suspend or revoke a license issued under this chapter [the Vocational Nursing Practice Act (Bus. & Prof. Code, § 2840, et seq.)] for the following:

(a) Unprofessional conduct...

(j) The commission of any act involving dishonesty, when that action is related to the duties and functions of the licensee.

6. Code section 2878.5 states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Vocational Nursing Practice Act] it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist or podiatrist administer to himself or herself or furnish or administer to another, any controlled substance as defined in Division 10 of the Health and Safety Code, or any dangerous drug as defined in Section 4022.

(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any hospital, patient, or other record pertaining to narcotics or dangerous drugs as specified in subdivision (b).

COST RECOVERY

7. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

1 **DRUGS**

2 8. "Vicodin" is a compound consisting of 5 mg. hydrocodone bitartrate, also known
3 as dihydrocodeinone, a Schedule III controlled substance as designated by Health and Safety
4 Code section 11056, subdivision (e)(4), and 500 mg. acetaminophen per tablet.

5 9. "Norco" is a compound consisting of 10 mg. hydrocodone bitartrate, also known
6 as dihydrocodeinone, a Schedule III controlled substance as designated by Health and Safety
7 Code section 11056(e)(4), and 325 mg. acetaminophen per tablet.

8 10. "Percocet," a brand of oxycodone, is a Schedule II controlled substance as
9 designated by Health and Safety Code section 11055(b)(1)(N).

10 11. "Marijuana" is a Schedule I controlled substance as designated by Health and
11 Safety Code section 11054(d)(13).

12 **FIRST CAUSE FOR DISCIPLINE**

13 **(Falsified, Made Incorrect or Inconsistent Entries in Hospital or Patient Records)**

14 12. Respondent is subject to discipline under Code section 2878(a), on the grounds of
15 unprofessional conduct as defined in Code section 2878.5(e), in that in September 2010, while
16 employed as a licensed vocational nurse at Roseville Care Center, located in Roseville,
17 California, Respondent falsified, or made grossly incorrect, grossly inconsistent, or unintelligible
18 entries in hospital or patient records in the following respects:

19 **Patient A:**

20 a. On or about September 7, 2010, at 0930 hours, Respondent signed out one (1) tablet
21 of Vicodin for administration. Respondent falsified the patient's chart, in that she charted the
22 administration of the Vicodin at 0930 hours when, in fact, Respondent took the Vicodin for her
23 own personal use.

24 **Patient B:**

25 b. On or about September 2, 2010, at 1030 hours, Respondent signed out two (2) tablets
26 of Norco for administration. Respondent falsified the patient's chart, in that she charted the
27 administration of the Norco at 0930 hours when, in fact, Respondent took the Norco for her own
28 personal use.

1 c. On or about September 7, 2010, at 0900 hours, Respondent signed out two (2) tablets
2 of Norco for administration. Respondent falsified the patient's chart, in that she charted the
3 administration of the Norco at 0900 hours when, in fact, Respondent took the Norco for her own
4 personal use.

5 **Patient C:**

6 d. On or about September 7, 2010, at 1215 hours, Respondent signed out two (2) tablets
7 of Percocet for administration. Respondent falsified the patient's chart, in that she charted the
8 administration of the Percocet at 1215 hours when, in fact, Respondent took the Percocet for her
9 own personal use.

10 **Patient D:**

11 e. On or about September 7, 2010, at 1130 hours, Respondent signed out two (2) tablets
12 of Norco for administration. Respondent falsified the patient's chart, in that she charted the
13 administration of the Norco at 1130 hours when, in fact, Respondent took the Norco for her own
14 personal use.

15 **Patient E:**

16 f. On or about September 7, 2010, at 1230 hours, Respondent signed out one (1) tablet
17 of Vicodin for administration. Respondent falsified the patient's chart, in that she charted the
18 administration of Vicodin at 1230 hours when, in fact, Respondent took the Vicodin for her own
19 personal use.

20 **SECOND CAUSE FOR DISCIPLINE**

21 **(Obtained, Possessed and Self-Administered Controlled Substances)**

22 13. Respondent is subject to discipline under Code section 2878(a), on the grounds of
23 unprofessional conduct as defined by Code section 2878.5(a), in that while a licensed vocational
24 nurse, Respondent did the following:

25 **September 2010 - Roseville Care Center**

26 a. Respondent obtained an unknown quantity of Norco, Vicodin, and Percocet, all
27 controlled substances, by fraud, deceit, misrepresentation or subterfuge or by the concealment of
28

1 a material fact, in violation of Health and Safety Code section 11173(a), by signing out
2 medication for administration to various patients, then taking it for her own personal use.

3 b. Respondent possessed an unknown quantity of Norco, Vicodin, and Percocet, all
4 controlled substances, in violation of Code section 4060, in that she did not have a prescription
5 for those controlled substances.

6 c. Respondent self-administered Norco, Vicodin, and Percocet, all controlled
7 substances, without direction to do so from a licensed physician and surgeon, dentist or podiatrist.

8 **April 2009 through December 2010**

9 d. Respondent possessed Vicodin, a controlled substance, in violation of Code
10 section 4060, in that she did not have a prescription for that controlled substance.

11 e. Respondent self-administered Vicodin, a controlled substance, without direction to
12 do so from a licensed physician and surgeon, dentist or podiatrist.

13 **July 2008 through January 2011**

14 f. Respondent possessed Marijuana, a controlled substance, in violation of Code
15 section 4060, in that she did not have a prescription for that controlled substance.

16 g. Respondent self-administered Marijuana, a controlled substance, without direction
17 to do so from a licensed physician and surgeon, dentist or podiatrist.

18 **THIRD CAUSE FOR DISCIPLINE**

19 **(Dishonest Acts)**

20 14. Respondent is subject to discipline under Code section 2878(j), in that in
21 September 2010, while a licensed vocational nurse at Roseville Care Center, located in Roseville,
22 California, Respondent committed acts of dishonesty, as more particularly set forth above in
23 paragraphs 12, and 13, subdivisions (a), (b), and (c).

24 **PRAYER**

25 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,
26 and that following the hearing, the Board of Vocational Nursing and Psychiatric Technicians
27 issue a decision:

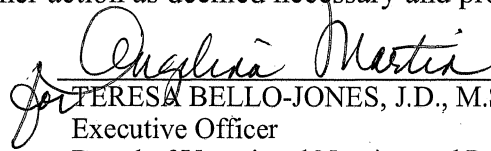
28 ///

1 1. Revoking or suspending Vocational Nurse License Number VN 235673, issued to
2 Michelle Lynne Chance, also known as Michelle Lynne Schaefer;

3 2. Ordering Michelle Lynne Chance, also known as Michelle Lynne Schaefer to pay the
4 Board of Vocational Nursing and Psychiatric Technicians the reasonable costs of the
5 investigation and enforcement of this case, pursuant to Business and Professions Code section
6 125.3; and,

7 3. Taking such other and further action as deemed necessary and proper.

8 DATED: June 5, 2013



TERESA BELLO-JONES, J.D., M.S.N., R.N.

Executive Officer

Board of Vocational Nursing and Psychiatric Technicians

Department of Consumer Affairs

State of California

Complainant

SA2011102697
10906916.doc